

- (3) The child/children must be minor(s).
- (4) The inmate must have been the primary caretaker of the child/children prior to incarceration.
- (5) Investigating staff must be able to confirm that the inmate had satisfactorily served this care prior to incarceration.
- (6) The proposed living arrangements shall provide a suitable environment for the inmate and dependents.
- (7) The physical structure of the residence shall provide for adequate space, meet sanitary, health and safety requirements, and be in good repair. A functional telephone must be maintained in the residence at all times.
- (8) It will be verified that the inmate, including spouse or immediate family member living at the same residence, can and will provide adequate support towards the child, children, or other dependent. Eligibility requirements for assistance through the department of human services programs (FIP, food stamps, etc.) will be verified prior to final approval.
- (9) It will be verified that the inmate or immediate family living at the residence can provide adequate transportation or that public transportation is available.
- (10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the inmate and dependents.
- (11) Dependent care for an adult member of the inmate's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

b. Requirements.

- (1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the inmate. Where such dependents are not yet in school, child care may be considered as full-time employment.
- (2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from same shall be reported to staff in advance.

20.17(2) *Work program—eligibility criteria.* This program allows for selected inmates to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house, or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

- a.* The inmate must show a substantial need and interest for participation in the program.
- b.* The inmate must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.
- c.* Suitable employment and verification must be obtained by staff prior to consideration.

20.17(3) *Educational program—eligibility criteria.* This program allows for selected inmates to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the inmate's home, home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

- a.* The inmate must show a substantial need and interest for participation in the program.

b. The inmate must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

20.17(4) *General requirements for all three programs.*

a. Participation in any of these programs at any level is a privilege, not a right, of which participating inmates are subject to and held accountable for all provisions of this policy as well as the specific program plan.

b. Institutional progress and recommended program participation must reflect an average or above rating.

c. Inmates must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IN-V-44 and administrative rule 20.12(904).

d. If applicable, community corrections residential/halfway house rules and regulations will apply as well as institutional rules including all program plan rules.

e. Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

f. The inmate may be required to submit to periodic or regular U.A. Testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

g. All activity will be monitored by community corrections staff and institutional staff as agreed.

h. All employment and educational earnings, less payroll deductions including education grants and expenses, shall be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

i. Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the inmate is meeting requirements of the program plan.

j. Special needs. In situations where inmates or the family have special needs, a case planning system shall be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

k. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

l. Temporary absence. Inmates may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, employment, etc., as indicated on the plan.

20.17(5) *Application procedures.*

a. Applications must be made to the present institutional classification committee (utilizing Form 1).

b. The application must contain all pertinent information and resources for the requested program.

c. The classification committee shall review each case considering all standards and criteria.

d. The classification committee's recommendation must be approved by the warden/superintendent.

e. If approved by the warden/superintendent, the recommendation and all pertinent information shall be forwarded to the deputy director for final approval.

f. If the recommendation is approved by the deputy director, the inmate must agree to abide by all rules established in the program plan including institutional rules and community corrections rules as well as all local, state, and federal laws.

g. Each level of review has the authority to deny the application or to make changes in the program plan including level of placement, i.e., institutional, residential/halfway house, home, as well as electronic monitoring devices.

h. Inmates placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

20.17(6) Violations.

a. Violation of any rule set forth in the program plan including any additional rules set forth by any authority listed in this policy may constitute the revocation of participation in either program at any level.

b. Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

20.17(7) Program activity. This rule does not create any liberty interest in the inmate's continued participation in any of the programs at any level listed under this rule, and the department of corrections or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

20.17(8) Waiver of liberty interests. As a condition for an inmate to participate in any of the programs at any level listed under this rule, the inmate must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an inmate's acceptance into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.

201—20.18(904) Violator/shock probation programs. The department of corrections provides violator/shock probation programs at three institutions: 30 beds for females at the Iowa correctional institution for women (ICIW) at Mitchellville, 80 beds for males at the correctional release center (CRC) at Newton, and up to 150 beds for male youthful offenders in the RIVERS program at the Fort Dodge correctional facility (FDCF). These programs provide up to a six-month intensive intervention for probation, parole, and work release offenders that have violated conditions of supervision and would otherwise have been returned to or sent to prison. Additionally, offenders sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(1) The violator/shock probation programs provide up to a six-month intensive, highly structured treatment program designed to divert certain offenders from long-term incarceration.

20.18(2) Definitions.

"Redirecting inmate values, energy, relationships and skills (RIVERS)" means a structured therapeutic community environment that allows offenders who complete the program to be considered for early release.

"Shock probation" means reconsideration of a felon's or misdemeanor's sentence to confinement when the court may review its previous action and grant probation as a result of suspension or a change of the previous sentence to the custody of the department of corrections in accordance with Iowa Code sections 902.4 and 903.2.

“*Violator*” means probationer, parolee, or work releasee not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke.

“*Youthful offender*” means probationer, parolee, or work releasee 25 years of age and younger not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke. Additionally, offenders 25 years of age and younger sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(3) Offenders will be committed to a violator/shock probation program pursuant to Iowa Code sections 904.207, 902.4 and 903.2.

20.18(4) All probation offenders committed to a violator/shock probation program shall be admitted to the Iowa medical and classification center (IMCC) reception unit. Upon admittance to IMCC, the transporting authority shall provide the receiving officer with a court order disposing of the violation (including commitment to the custody of the director and stating violator program participation is a condition of probation), mittimus, case origination documents, indictment or information documents, minutes of testimony, and judgment entry.

20.18(5) All parole or work release offenders committed to a violator/shock probation program shall enter the program through the IMCC reception unit.

The violator/shock probation program shall be a condition of release, and the offender will remain in the custody of the department of corrections under the terms of the offender’s original commitment.

20.18(6) Admission standards.

a. Reception process at IMCC, including medical intake screen, will normally be completed within seven days.

b. If further medical testing or treatment is necessary, transfer to the violator/shock probation program may be delayed until additional testing or treatment is completed and the offender’s health status permits transfer.

c. The department may deny admission to a violator/shock probation program if the offender is medically unable to complete the program or if an offender’s mental health status prohibits participation.

d. Offenders will not be allowed any personal property with the exception of clothing being worn at the time of admission to the IMCC reception unit. Other property will not be accepted by the IMCC receiving officer.

20.18(7) Release standards.

a. Upon successful completion of a violator/shock probation program, violator offenders will be referred to the sending or supervising judicial district department of correctional services.

b. A violator offender that does not successfully complete the violator program will be returned to the sending or supervising judicial district department of correctional services for disposition, with the exception of parole or work release offenders as reviewed by the board of parole.

c. Shock probation offenders will be referred for sentence review to the sentencing court upon successful or unsuccessful completion of a violator/shock probation program. The department of corrections will submit a report to the court that provides a full accounting of the shock probation offender’s program participation, progress and recommended plan of action.

20.18(8) An offender placed in a violator/shock probation program will not be granted all the privileges and rights or may not be subject to certain requirements established in Iowa Administrative Code 201—Chapter 20. The following paragraphs establish which rules of Iowa Administrative Code 201—Chapter 20 that violators will or will not be subject to:

a. Rule 20.1(904)—Application of rules. Will not apply to violator/shock probation programs except as otherwise stated.

b. Rule 20.2(904)—Title II definitions. Will apply only where listed in the following applicable rules.

c. Rule 20.3(904)—Visits to offenders. Offenders will not be allowed visits except individuals determined by staff and only in conjunction with participation in the family treatment component. Attorney and clergy visits must be scheduled in advance so as to not conflict with program schedules. Exceptions may be authorized by the warden/superintendent or designee.

d. Rule 20.4(904)—Mail. Offenders will be allowed mail privileges pursuant to rule 20.4(904) with the following exceptions:

(1) There will be no limit on the amount of incoming mail although program policy may limit the amount of mail that can be stored or maintained in the living area.

(2) Offenders will not receive an allowance. Therefore, offenders will be provided writing materials and postage for two letters per week.

(3) Packages and publications will not be allowed.

e. Rule 20.5(904)—Money orders/cashier's checks for offenders. Money orders/cashier's checks for offenders are allowed but will be subject to a restitution plan, child support orders, fines, court costs and fees.

f. Rule 20.6(904)—Publications. Offenders will not be granted any of the privileges or rights of rule 20.6(904).

g. Rule 20.7(904)—Interviews and statements. This rule may apply only as stated "with prior consent of the warden, superintendent or designee."

h. Rule 20.8(904)—Guests of institution. This rule is not applicable since this rule has no impact on the violator/shock probation program.

i. Rule 20.9(904)—Donations. This rule is not applicable since this rule has no impact on the violator/shock probation program.

j. Rule 20.11(904,910)—Restitution. This rule will be temporarily suspended while offenders are in the program. Restitution plans will be maintained, and the plan of payment will be reinstated upon release from the program.

k. Rule 20.12(904)—Furloughs. This rule will only apply in family emergency situations in accordance with 20.12(5) "a" and 20.12(6) "a," although the criteria for eligibility are waived, and these furloughs will only be granted at the discretion of the warden/superintendent or designee with approval of the regional deputy director.

l. Rule 20.13(904)—Board of parole interviews. This rule is not applicable since this rule has no impact on the violator/shock probation program.

m. Rule 20.15(910A)—Victim notification. This rule will not apply to the violator/shock probation program.

n. Rule 20.17(904)—Institutional community placement. This rule will not apply to the violator/shock probation program.

20.18(9) Earned time.

a. Iowa Code chapter 903A will not apply to probationers and parolees.

b. Iowa Code chapter 903A will apply to work releasees in accordance with work release policies and procedures.

20.18(10) Clothing, transportation, and release moneys. The provisions of Iowa Code section 906.9 will not apply to violator/shock probation programs.

20.18(11) Any exceptions to these rules must be specifically approved by the warden/superintendent or designee.

This rule is intended to implement Iowa Code section 904.207.

201—20.19 Reserved.

201—20.20(904) Offender telephone commissions.**20.20(1) Definitions.**

“*Corrections board*” means the department of corrections board.

“*Deputy director of administration*” means the person responsible for budgeting and planning.

“*Director*” means the chief executive officer of the department of corrections.

“*Regional deputy director*” means the person responsible for regional operation of both institution and community corrections services in either the eastern or western portions of Iowa.

“*Warden/superintendent*” means the chief executive officer of the institution or correctional facility.

20.20(2) Deposit of funds. The department of corrections shall deposit and account for all telephone commissions in a clearing account within central office. The deputy director of administration will determine commissions generated by each institution, based on a report from the vendor, for deposit in the institution’s offender telephone rebate fund.

20.20(3) Request for funds. Each warden/superintendent will determine recurring needs and special projects and submit a written proposal to the respective regional deputy director of institutions for all expenditures and encumbrances.

20.20(4) Review and approval of expenditures. The regional deputy director of operations and the deputy director of administration will review the proposals for a quarterly presentation by the director to the corrections board for approval. The director will notify the chairpersons and ranking members of the justice system’s appropriations subcommittee of the proposals prior to the corrections board approval. All expenditures and encumbrances shall require prior approval from the corrections board and the respective regional deputy director of operations. Institutions shall not be allowed to encumber or expend funds without approval. Revenues generated by telephone commissions at each institution shall be used to determine the availability of funds for each project.

20.20(5) Permitted expenditures. The director shall advance to the corrections board for approval only projects that benefit offenders. Expenditures may include, but are not limited to, projects that provide educational, vocational or recreational services or projects, or work or treatment programs for offenders. Expenditures may also be used to initiate new programs, services, or projects. Institutions shall give spending priority to programs, services, and projects that promote the health and welfare of offenders.

This rule is intended to implement Iowa Code section 904.508A.

[Filed 9/25/81, Notice 10/29/80—published 10/14/81, effective 11/18/81]

[Filed emergency 10/23/81—published 11/11/81, effective 10/23/81]

[Filed 10/23/81, Notice 9/2/81—published 11/11/81, effective 12/16/81]

[Filed 4/5/82, Notice 1/20/82—published 4/28/82, effective 6/2/82]

[Filed 4/29/82, Notice 3/17/82—published 5/26/82, effective 6/30/82]

[Filed emergency 6/15/82—published 7/7/82, effective 7/1/82]

[Filed emergency 10/29/82—published 11/24/82, effective 10/29/82]

[Filed 1/14/83, Notice 11/10/82—published 2/2/83, effective 3/9/83]

[Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]
 [Filed emergency 8/29/83—published 9/14/83, effective 10/1/83]
 [Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]
 [Filed 11/18/83, Notice 9/28/83—published 12/7/83, effective 1/11/84]
 [Filed 2/24/84, Notice 1/4/84—published 3/14/84, effective 4/18/84]
 [Filed 5/4/84, Notice 2/15/84—published 5/23/84, effective 6/27/84]
 [Filed emergency 6/8/84—published 7/4/84, effective 6/8/84]
 [Filed 7/24/84, Notice 4/25/84—published 8/15/84, effective 9/19/84]
 [Filed 9/21/84, Notice 7/4/84—published 10/10/84, effective 11/14/84]
 [Filed emergency 11/16/84—published 12/5/84, effective 11/16/84]
 [Filed 4/4/85, Notice 10/24/84—published 4/24/85, effective 5/29/85]
 [Filed 4/19/85, Notice 2/13/85—published 5/8/85, effective 6/12/85]
 [Filed emergency 6/28/85—published 7/17/85, effective 7/1/85]
 [Filed 9/20/85, Notice 7/31/85—published 10/9/85, effective 11/13/85]
 [Filed emergency 7/11/86—published 7/30/86, effective 7/11/86]
 [Filed 2/6/87, Notice 12/31/86—published 2/25/87, effective 4/1/87]
 [Filed emergency 9/30/88—published 10/19/88, effective 9/30/88]
 [Filed emergency 12/9/88—published 12/28/88, effective 12/9/88]
 [Filed 3/31/89, Notice 12/28/88—published 4/19/89, effective 5/24/89]
 [Filed emergency 7/21/89—published 8/9/89, effective 7/21/89]
 [Filed 8/3/90, Notice 2/21/90—published 8/22/90, effective 9/26/90]
 [Filed emergency 9/14/90—published 10/3/90, effective 9/26/90]
 [Filed emergency 9/28/90—published 10/17/90, effective 9/28/90]
 [Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]
 [Filed 1/31/92, Notice 10/2/91—published 2/19/92, effective 3/27/92]
 [Filed 7/17/92, Notice 2/19/92—published 8/5/92, effective 9/9/92]
 [Filed 10/23/92, Notice 5/27/92—published 11/11/92, effective 12/16/92]
 [Filed 2/26/93, Notice 9/16/92—published 3/17/93, effective 4/21/93]
 [Filed 2/26/93, Notice 12/23/92—published 3/17/93, effective 4/21/93]
 [Filed 6/21/93, Notice 2/17/93—published 7/7/93, effective 8/11/93]
 [Filed 10/21/94, Notice 8/17/94—published 11/9/94, effective 12/14/94]
 [Filed emergency 7/14/95—published 8/2/95, effective 7/14/95]
 [Filed 3/7/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]
 [Filed emergency 5/22/97—published 6/18/97, effective 5/22/97]
 [Filed emergency 6/30/97—published 7/30/97, effective 6/30/97]
 [Filed emergency 7/25/97—published 8/13/97, effective 7/25/97]
 [Filed 12/12/97, Notice 8/13/97—published 12/31/97, effective 2/4/98]◇
 [Filed 10/16/98, Notice 7/29/98—published 11/4/98, effective 12/9/98]
 [Filed emergency 11/4/99—published 12/1/99, effective 11/4/99]
 [Filed 7/21/00, Notice 5/3/00—published 8/9/00, effective 9/13/00]
 [Filed 9/28/00, Notice 6/28/00—published 10/18/00, effective 11/22/00]
 [Filed emergency 4/11/01—published 5/2/01, effective 4/11/01]
 [Filed 5/10/01, Notice 3/21/01—published 5/30/01, effective 7/4/01]
 [Filed emergency 4/8/02—published 5/1/02, effective 4/8/02]

[Filed 6/13/02, Notice 5/1/02—published 7/10/02, effective 8/14/02]

[Filed 4/17/07, Notice 2/14/07—published 5/9/07, effective 6/13/07]

CHAPTER 21

IOWA STATE PENITENTIARY

[Prior to 10/1/83, Social Services[770] Ch 17]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 22

IOWA STATE MEN'S REFORMATORY

[Prior to 10/1/83, Social Services[770] Ch 18]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 23

IOWA CORRECTIONAL INSTITUTION FOR WOMEN

[Prior to 10/1/83, Social Services[770] Ch 19]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 24

MEDIUM SECURITY FACILITY

[Prior to 10/1/83, Social Services[770] Ch 22]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 25

CORRECTIONAL TREATMENT UNIT

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 26

NORTH CENTRAL CORRECTIONAL FACILITY

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 27

IOWA MEDICAL AND CLASSIFICATION CENTER

[Prior to 10/1/83, Social Services[770] Ch 20]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 28

NEWTON CORRECTIONAL FACILITY

[Prior to 10/1/83, Social Services[770] Ch 21]

[Prior to 3/20/91, Corrections Department[291]]

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 29

FORT DODGE CORRECTIONAL FACILITY

Rescinded IAB 5/1/02, effective 4/8/02

CHAPTERS 30 to 36

Reserved